

ORIGINAL

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SENORX, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 HOLOGIC, INC., CYTIC CORPORATION and
17 HOLOGIC L.P.,

18 Plaintiffs,

19 v.

20 SENORX, INC.,

21 Defendant.
22
23

24 AND RELATED COUNTERCLAIMS
25
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FILED

2008 MAY 30 P 2: 08

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

CASE NO.: C08-0133 RMW (RS)

CIVIL LOCAL RULE 79-5(D)
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL
CONFIDENTIAL PORTIONS OF
DEFENDANT SENORX, INC.'S
RESPONSIVE CLAIM
CONSTRUCTION BRIEF AND THE
ENTIRETY OF CONFIDENTIAL
EXHIBITS 15, 16, AND 17 TO THE
DECLARATION OF ADAM D.
HARBER IN SUPPORT THEREOF

Date: June 25, 2008
Time: 2:00 p.m.
Ct. Rm: Courtroom 6, 4th Floor
Judge: Hon. Ronald M. Whyte

1 PLEASE TAKE NOTICE that pursuant to Civil Local Rule 79-5(d), Defendant SenoRx,
 2 Inc. ("SenoRx") hereby moves the Court for an order to file under seal select portions of
 3 Defendant SenoRx, Inc.'s Responsive Claim Construction Brief and the Entirety of Confidential
 4 Exhibits 15, 16, and 17 to the Declaration of Adam D. Harber in Support of SenoRx's
 5 Responsive Claim Construction Brief.

6 SenoRx brings this motion because the Responsive Claim Construction Brief and
 7 Exhibits 15, 16, and 17 each contain information designated by Plaintiffs as "Highly
 8 Confidential." To date, the parties have not executed a protective order governing how
 9 confidential and proprietary information produced during the case shall be treated by the parties.
 10 Accordingly, until such a protective order has been executed and entered by the Court, SenoRx's
 11 confidential and proprietary information are by operation of Patent Local Rule 2-2 deemed to be
 12 "Confidential-Attorneys Eyes Only" materials, unless otherwise agreed by the parties. In
 13 compliance with Civil Local Rule 79-5(d), SenoRx wishes to withhold Plaintiffs' designated
 14 confidential information from the public versions of its papers and submits redacted versions of
 15 its papers for the public record.

16 For the foregoing reasons, SenoRx respectfully requests that the Court enter an order
 17 allowing SenoRx to file the following documents under seal:

- 18 1) select portions of Defendant SenoRx, Inc.'s Responsive Claim Construction Brief;
 19 and
 20 2) the entirety of Exhibits 15, 16, and 17 to the Declaration of Adam D. Harber in
 21 Support of SenoRx's Responsive Claim Construction Brief.

22 Dated: May 30, 2008

WILSON SONSINI GOODRICH & ROSATI
 Professional Corporation

24 By: 

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Attorneys for Defendant and Counterclaimant
SENORX, INC.

CERTIFICATE OF SERVICE

U.S. District Court, Northern District of California,
Hologic, Inc. et al. v. SenoRx, Inc.
Case No. C-08-0133 RMW (RS)

I, Kirsten Blue, declare:

I am and was at the time of the service mentioned in this declaration, employed in the County of San Diego, California. I am over the age of 18 years and not a party to the within action. My business address is 12235 El Camino Real, Ste. 200, San Diego, CA, 92130.

On May 30, 2008, I served a copy(ies) of the following document(s):

CIVIL LOCAL RULE 79-5(D) ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL PORTIONS OF DEFENDANT SENORX, INC.'S RESPONSIVE CLAIM CONSTRUCTION BRIEF AND THE ENTIRETY OF CONFIDENTIAL EXHIBITS 15, 16, AND 17 TO THE DECLARATION OF ADAM D. HARBER IN SUPPORT THEREOF

DECLARATION OF ALEXANDRA MAHANEY IN SUPPORT OF SENORX'S CIVIL LOCAL RULE 79-5(D) ADMINISTRATIVE MOTION TO FILE UNDER SEAL CONFIDENTIAL PORTIONS OF DEFENDANT SENORX, INC.'S RESPONSIVE CLAIM CONSTRUCTION BRIEF AND THE ENTIRETY OF CONFIDENTIAL EXHIBITS 15, 16, AND 17 TO THE DECLARATION OF ADAM D. HARBER IN SUPPORT THEREOF

[FILED UNDER SEAL] DEFENDANT SENORX, INC.'S RESPONSIVE CLAIM CONSTRUCTION BRIEF

[FILED UNDER SEAL] EXHIBIT 15 TO DECLARATION OF ADAM D. HARBER IN SUPPORT OF DEFENDANT SENORX, INC.'S RESPONSIVE CLAIM CONSTRUCTION BRIEF

[FILED UNDER SEAL] EXHIBIT 16 TO DECLARATION OF ADAM D. HARBER IN SUPPORT OF DEFENDANT SENORX, INC.'S RESPONSIVE CLAIM CONSTRUCTION BRIEF

[FILED UNDER SEAL] EXHIBIT 17 TO DECLARATION OF ADAM D. HARBER IN SUPPORT OF DEFENDANT SENORX, INC.'S RESPONSIVE CLAIM CONSTRUCTION BRIEF

on the parties to this action by placing them in a sealed envelope(s) addressed as follows:

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HOLOGIC LP

3 ☒ (BY MAIL) I placed the sealed envelope(s) for collection and mailing by following the
4 ordinary business practices of Wilson Sonsini Goodrich & Rosati, 12235 El Camino Real,
5 Ste. 200, San Diego, CA. I am readily familiar with WSGR's practice for collecting and
6 processing of correspondence for mailing with the United States Postal Service, said
7 practice being that, in the ordinary course of business, correspondence with postage fully
8 prepaid is deposited with the United States Postal Service the same day as it is placed for
9 collection.

8 ☒ (BY ELECTRONIC MAIL) I caused such document(s) to be sent via electronic mail
(email) to the above listed names and email addresses.

9 ☐ (BY CM/ECF) I caused such document(s) to be sent via electronic mail through the Case
10 Management/Electronic Case File system with the U.S. District Court for the Northern
11 District of California.

11 I declare under penalty of perjury under the laws of the United States that the above is true
12 and correct, and that this declaration was executed on May 30, 2008.

13 

14 Kirsten Blue